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Docket No.: PF-0527-1 DIV

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By: [Signature] Printed: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lal et al.

Title: PROSTATE GROWTH-ASSOCIATED MEMBRANE PROTEINS

Serial No.: 09/397,558

Filing Date: September 16, 1999

Examiner: Harris, A.

Group Art Unit: 1642

ATTENTION: GROUP DIRECTOR GROUP 1600

Commissioner for Patents

Washington, D.C. 20231

PETITION UNDER 37 C.F.R. §1.181
TO REOPEN PROSECUTION

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Sir:

This is a Petition under 37 C.F.R. §1.181 to reopen prosecution of the subject application. A new ground of rejection was set forth in the Examiner's Answer and, therefore, prosecution of the subject application should be reopened.

Appellants filed a Brief on Appeal in the subject application on August 15, 2001. An Examiner's Answer in response to that Brief was mailed December 7, 2001.

A new ground of rejection was included in the Examiner's Answer mailed March 14, 2001. See page 6, lines 11-14 of the Examiner's Answer. In particular, claims 1, 2, 21, 22 and 27-29 were rejected under 35 U.S.C. § 112, first paragraph, based on the allegation that the subject matter "was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

There was no mention of a rejection on this ground in either the Advisory Action of July 18, 2001; the Final Office Action of February 9, 2001; the Office Action of August 16, 2000; or the Office Action of February 22, 2000 (the first action on the merits). It is improper to enter a new ground of rejection in an Examiner's Answer. M.P.E.P. § 1208.01.

Accordingly, prosecution should be reopened in the subject application, and such action is earnestly solicited.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

This form is enclosed in duplicate.

Respectfully submitted,
INCYTE GENOMICS, INC.

Date: Feb. 7, 2002.

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Limited Recognition (37 C.F.R. § 10.9(b)) attached
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**UNITED STATES PATENT AND TRADEMARK OFFICE
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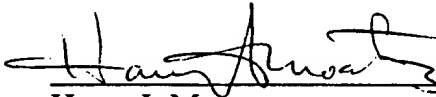
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LIMITED RECOGNITION UNDER 37 CFR §10.9(b)

Terrence Lo is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Incyte Pharmaceuticals, Inc. to prepare and prosecute patent applications wherein Incyte Pharmaceuticals, Inc. is the assignee of record of the entire interest in the application filed in the USPTO. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Terrence Lo ceases to lawfully reside in the United States; (ii) Terrence Lo's employment with Incyte Pharmaceuticals, Inc. ceases or is terminated; or (iii) Terrence Lo ceases to remain or reside in the United States on TN status.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: November 18, 2002



Harry I. Moatz
Director of Enrollment and Discipline